

# **EXHIBIT E**

**EARLY NEW JERSEY AND VIRGINIA MILITIA LAWS**

| <b>State and Date of Enactment</b> | <b>Relevant Statutory Text</b>  | <b>Source</b>  |
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| New Jersey<br>(1778)               | <p>3. And Be It Enacted <i>by the Authority aforesaid</i>, That the Colonel or Commanding Officer of each Regiment of Militia in this State shall, immediately after the Passing and Publication of this Act, issue Orders to the Captain or Commanding Officer of each Company in his Regiment, directing him to call a Meeting of the commissioned Officers of such Company, and with their Assistance to make out full, particular, and exact Lifts or Returns of all Male Free Inhabitants of twenty-one Years old and upwards, to which shall be separately subjoined the Names of the Owners or Possessors of such Estates as have not Male Representatives of that Age. . . . And Provided Also, That the Enrolments or Returns so made shall extend to the Purposes of this Act only. And Provided Also, That nothing herein contained shall be construed to prevent employing Officers, and enlisting non-commissioned Officers and Privates between the Age of sixteen and twenty-one Years.</p> <p>4. And Be It Further Enacted, That the Lists or Returns so made out shall be signed and authenticated . . . and the said Captain or Commanding Officer of the Company shall, without Delay, transmit the same to the Colonel or Commanding Officer of the Regiment, and the Field Officers of each Regiment shall meet at the usual Place of holding the annual Election in the County to which they belong, on the fifteenth Day of <i>June</i> Instant, and then and there shall compute the whole Number of Persons borne upon the Lifts or Returns of all the Male Free inhabitants of twenty-one Years old and upwards within the Bounds of the respective Companies in the County, and in Proportion to such Number shall divide the Quota of Officers and Men, . . . .</p> | An Act to embody, for a limited Time, One Thousand of the Militia of this State, for the Defence of the Frontiers thereof, ch. XXIV, §§ 3-4 <i>in</i> 1778 N.J. ACTS (3D SESS., 2D SITTING) 58, 59-60. |

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| Virginia<br>(1705) | <i>Be it enacted.</i> . . That from and after the publication of this act, the colonel or chief officer of the militia of every county have full power and authority to list all male persons whatsoever, from sixteen to sixty years of age within his respective county, to serve in horse or foot, as in his discretion he shall see cause and think reasonable, having regard to the ability of each person, he appoints to serve in the horse, and to order and place them and every of them under the command of such captain in the respective countys of their abode, as he shall think fitt. | An act for settling the Militia, ch. XXIV, <i>in</i> 3 WILLIAM WALLER HENING, THE STATUTES AT LARGE; BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA 335, 335-36 (1823). |
| Virginia<br>(1723) | II. <i>Be it therefore enacted,</i> . . . That from and after the publication of this act, the colonel, or chief officer of the militia of every county, have full power and authority to list all free male persons whatsoever, from twenty-one to sixty years of age, within his respective county, to serve in horse or foot; having regard to the ability of each person, and to order and place them under the command of such captain as he shall think fit.  | An Act for the settling and better Regulation of the Militia, ch. II, § II, <i>in</i> 4 HENING 118, 118 (1820).   |
| Virginia<br>(1738) | II. <i>Be it therefore enacted,</i> . . . That from and after the publication of this act, the colonel, or chief officer of the militia, in every county, shall list all free male persons, above the age of one and twenty years, within this colony, under the command of such captains as he shall think fit.  | An Act, for the better Regulation of the Militia, ch. II, § II, <i>in</i> 5 HENING 16, 16 (1819).   |

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| Virginia<br>(1754) | <p>I. Whereas his majesty has been pleased to send instructions to his Lieutenant Governor of this colony, to raise and levy soldiers for carrying on the present expedition against the French on the Ohio;<br/>...</p> <p>II. <i>Be it therefore enacted</i>, . . . That it shall and may be lawful to and for the justices of the peace of every county and corporation within this county, or any two or more of them, within their several and respective counties and corporations, upon application made to them, by any officer or officers appointed or empowered to enlist men, to raise and levy such able bodied men, as do not follow or exercise any lawful calling or employment, or have not some other lawful and sufficient support and maintenance, to serve his majesty, as soldiers in the present expedition; . . . .</p> <p>III. <i>Provided always</i>, That nothing in this act contained shall extend to the taking or levying any person to serve as a soldier, who hath any vote in the election of a Burgess or Burgesses to serve in the General Assembly of this colony, or who is, or shall be an indented or bought servant, or any person under the age of twenty one years, or above the age of fifty years.</p> | An Act for raising levies and recruits to serve in the present expedition against the French, on the Ohio, ch. II, §§ I-III, <i>in</i> 6 HENING 438, 438-39 (1819). |
| Virginia<br>(1755) | <p>II. <i>Be it therefore enacted</i>. . . That from, and after the passing of this act, all county lieutenants, colonels, lieutenant colonels, and other inferior officers, bearing any commission in the militia of this colony, shall be an inhabitant of, and resident in the county of which he is, or shall be commissioned to be an officer of the militia.</p> <p>III. <i>And be it further enacted</i>, . . . That the lieutenant, or in his absence, the chief officers of the militia in every county shall list all male persons, above the age of eighteen years, and under the age of sixty years, within this colony, (imported servants excepted) under the command of such captain, as he shall think fit, within two months after the passing of this act.</p>  | An Act for the better regulating and training the Militia, ch. II, §§ II-III, <i>in</i> 6 HENING 530, 530-31 (1819).  |

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| Virginia<br>(1775) | <p><i>And be it further ordained</i>, That within the district containing the counties of Accomack and Northampton there shall be forthwith raised one regiment, consisting of six hundred and eighty men, from the ages of sixteen to fifty, to be divided into ten companies. . . .</p> <p><i>And be it further ordained</i>, That within each of the other districts there shall be immediately enlisted one battalion, consisting of five hundred men rank and file, from the age of sixteen to fifty, to be divided into ten companies of fifty men each, . . .</p>  | An ordinance for raising and embodying a sufficient force, for the defence and protection of this colony, ch. I, <i>in</i> 9 HENING 9, 16-17 (1821).   |
| Virginia<br>(1784) | <p>II. <i>Be it enacted</i>, That all free male persons between the ages of eighteen and fifty years, except the members of the council of state, members of the American congress, judges of the superior courts, speakers of the two houses of assembly, treasurer, attorney general, auditors and their clerks, solicitor general and his clerks, clerks of the council of state and treasury, register of the land-office, his deputy and clerks, custom-house officers, all inspectors of tobacco, all professors, tutors, and students at the university of William and Mary, and other public seminaries of learning, all ministers of the gospel, licensed to preach according to the rules of their sect, who shall have previously taken, before the court of their county, an oath of fidelity to the commonwealth, post-masters, keepers of the public gaol and public hospital, millers, persons concerned at iron or lead works, or persons solely employed in repairing or manufacturing fire arms, all of whom are exempted from the obligations of this act, shall be enrolled or formed into companies. . . .</p> | An act for amending the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections, ch. XXVII, § II, <i>in</i> 11 HENING 476, 476-77 (1823). |